

ADVISORY OPINION 91-23 [1991-15]

The Ethics Commission has reviewed your request for an advisory opinion which was received on September 30, 1991. Your request provides the following facts: Until June 1991, you were employed by the County and worked in a Department that regulates and licenses service providers. You were a Program Manager for a licensing program. After you left County employment, you were recruited by and accepted employment with a management organization that operates two of the facilities that are licensed under the program you worked in as a County employee. In fact, you had previously met the general manager of your present employer when he applied for licenses for the two facilities. Finally, you have indicated that your present employer does not contract with the County.

Section 19A-13(b) of the Montgomery County Public Ethics Law¹ provides:

“For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding . . . with any . . . business that contracts with a County agency if the public employee: (1) significantly participated in regulating the person or business” (Emphasis added)

Since, as you have indicated, your present employer does not contract with the County, the Ethics Commission finds that 19A-13(b) would not prohibit your employment.

The Commission would like to remind you, however, that Section 19A-13(a) prohibits a former public employee from assisting, for compensation, any party other than the County in a “case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.” Accordingly, you may not participate, on behalf of your employer, in obtaining a license from the Department for the two facilities that were licensed while you were a County employee.

The Commission trusts that you will find this advisory opinion responsive to your inquiry. If you have any further questions regarding this matter, please do not hesitate to contact the Commission.

Date of Issue: 10/15/91

¹ Unless otherwise indicated, section references are to the Montgomery County Code (1984).